

## REMARKS

Claims 1-46 are pending in the case. In the Office Action mailed December 30, 2004, the Examiner took the following action: (1) rejected claims 1-46 under 35 USC §102, second paragraph as being anticipated by Naylor (U.S. 3,142,461). Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following remarks.

*I. Rejection of claims 1-46 under 35 USC §102(b) as being anticipated by Naylor (U.S. 3,142,461).*

The Examiner rejected claims 1-46 under 35 USC §102(b), as being anticipated by Naylor. Claims 1, 13, 21, 28, 33, 41 have been amended to more particularly point out the patentable features of the present invention not taught or suggested by Naylor. For example, amended claim 1 recites a method of forming an assembly for carrying a payload comprising forming a support structure having a plurality of elongated engagement members, each engagement member including an engagement surface adapted to support a load; forming an adaptable payload assembly that includes a payload member and at least one payload support coupled to the payload member, *the payload support including at least one intercostal member adapted to span between at least two engagement members and having projecting end portions engaged with the engagement surfaces of the two engagement members, the intercostal member being adapted to transmit loads from the payload member to the engagement surfaces of the two engagement members*, the payload support being moveable with the payload member relative to the support structure; and removeably coupling the payload support to at least one of the engagement surfaces of the engagement members. (emphasis added)

Naylor (U.S. 3,142,461)

Naylor teaches internal fittings of aircraft. As shown in Naylor's accompanying figure, seat-carrying pallets 14 are secured to roller conveyors 11 and channel section guide rails 12


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recessed below a central gangway 13 to convert the plane to different uses. The payload panels include wall panel linings 25 on one side of the cabin, along with the channel section guide rails 12 to direct the panels parallel to the fore and aft center line of the cabin. (1:31-35; 2:6-10).

Naylor does not disclose, teach, or fairly suggest the adaptable payload processes taught by the Applicant. Specifically, Naylor fails to teach or suggest the payload apparatus wherein *the payload support including at least one intercostal member adapted to span between at least two engagement members and having projecting end portions engaged with the engagement surfaces of the two engagement members, the intercostal member being adapted to transmit loads from the payload member to the engagement surfaces of the two engagement members.* (Emphasis added).

According to Naylor, channel-section guide rails 12 provided alongside the outer two of each set of three roller conveyors 11, allow the pallets 14 to be guided and restrained from lateral movement. There is no teaching or suggestion in Naylor of having *a payload support including at least one intercostal member adapted to span between at least two engagement members and having projecting end portions engaged with the engagement surfaces of the two engagement members, the intercostal member being adapted to transmit loads from the payload member to the engagement surfaces of the two engagement members* to provide additional support and limit excess movement. As disclosed in the present specification, the intercostal member beams to basic and stable floor supports and is movable with the payload assembly, reducing the need for supplemental support structures as required by the prior art, for example Naylor's channel section guide rails 12. (9:23-10:5) Also, because the floor panels and payload panel extend over the engagement surfaces of the floor supports rather than break at the seat tracks (since the intercostal members are configured to provide for engagement surfaces that are approximately flush with a lower surface), the number of joints between the floor panels and supports is thereby reduced. (10:10-13). Naylor is silent as to such teachings or suggestions.

Amended claims 1, 13, 21, 28, 33, 41, each recite the above-noted limitations that are not taught or suggested by Naylor. Therefore, claims 1, 13, 21, 28, 33, 41, as well as the claims depending therefrom, are allowable.

### CONCLUSION

For the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-46. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to call the undersigned at his convenience.

Respectfully submitted,

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### MAIL CERTIFICATE

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